

RWANDA UPDATE: RULE OF LAW ASSISTANCE

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Since the last OSG meeting, plans to help the Ministry of Justice rebuild the Rwandan legal system have begun to take shape. An initial, multilateral assessment of the Rwandan legal system was completed in early December. This assessment was coordinated by UNDP and the UN Human Rights Center; AID sent two participants. Both the AID assessments and the UNDP report identified similar immediate needs of the Rwandan legal system. These needs include: rebuilding the legal infrastructure, helping the MoJ get itself and the judicial system organized, and addressing the growing backlog of criminal and property cases. The assessment team's report will be discussed at the January UNDP Roundtable meeting.

In response to these assessments, AID has proposed a "rapid response program" to help Rwanda re-establish its justice system. (AID has budgeted between \$2.5-\$4M for this program. This would be in addition to using \$600,000 to help procure equipment for the MoJ and Ministry of Interior.) The AID program will: (1) provide technical assistance to the Rwandan MoJ on administration of the ministry and on streamlining the Rwandan court procedures; (2) provide foreign judges to help handle civil cases; and (3) explore the possibility of establishing pilot alternative dispute programs, primarily for land disputes.

The AID program consists of two phases. First, AID will hire a contractor to send 5 specialists to Kigali for approximately one month to develop specific, detailed work programs in the three areas described above. AID does not consider this to be another assessment team. In the second phase, AID will supply long-term specialists to fulfill these work programs. AID expects to fund specialists to work with the MoJ, identify and fund as many as 20 foreign judges, and supply a six-person team to begin alternative dispute programs in Rwanda. AID intends to move forward with phase one quickly.

AID remains reluctant to help Rwanda address its most pressing needs: providing judges for criminal cases and technical assistance for the national commission charged with performing triage on the 10,000+ criminal cases. AID feels that providing assistance here would entangle the U.S. in political issues and get them too involved with the Rwandan government. In addition, AID feels that other donors and the UNDP may be better situated to find appropriate foreign judges to work in Rwanda for an extended period of time. After some discussion, AID has agreed to have one of its lawyers gather additional information on the national commission to determine whether and under what circumstances we can assist the commission. High level attention may be need to move this issue.

AID is also planning to fund a long-term assessment of Rwanda's prospects for democracy. The assessment is planned to begin in February and run for a month or so.

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TALKING POINTS: RULE OF LAW ASSISTANCE FOR RWANDA

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- The U.S. has made rebuilding the Rwandan legal system a priority for its assistance to the Government of Rwanda. If the refugees and internally displaced persons are to return to their homes, the GOR must show that it is operating under the rule of law, where conflicts can be resolved peacefully in a fair and effective legal system and where people can be held accountable for their actions.
- The U.S. has participated in the recent UNDP and UNHRC joint assessment mission and we have studied the UNDP's assessment report. In anticipation of the UNDP's Roundtable meeting tomorrow, we have begun to help Rwanda rebuild its legal system.
 - We are presently purchasing some of the equipment and material necessary to get the Ministries of Justice and Interior up and running (approximately \$600,000).
 - The USG has developed a plan (amounting to between \$2.5-\$4M) to provide the Ministry of Justice with immediate short-term assistance: (1) providing the MoJ legal specialists to help with administrative needs and to help the Ministry streamline the Rwandan court procedures; (2) funding up to 20 foreign judges to help alleviate the backlog of civil cases in Rwanda, primarily land tenure disputes; (3) sending a team to Rwanda to establish pilot alternative dispute resolution programs; and (4) exploring the possibility of providing technical assistance to national commission charged with performing triage on the 10,000+ criminal cases.
 - We hope to begin to provide this assistance in March.
- I would be interested in hearing the plans that other governments and organizations have to respond to the needs of the Rwandan legal system identified by the UNDP/UNHRC assessment mission.
- Responding to the needs of the Rwandan legal system will take a concerted effort by all our governments and NGOs. Such an effort will place a premium on coordinating our assistance efforts. The United States will look to tomorrow's UNDP Roundtable to begin this coordination process. However, I believe that the most important coordination will take place on the ground in Kigali.

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